

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Akil K. Carter,
Paulette H. Barr, and
Sandra K. Adams,

Plaintiffs,

v.

Case No. 19-CV-1422

City of Wauwatosa,
Chief Barry Weber,
Patrick Kaine, Luke Vetter,
Nicole Gabriel, Derek Dienhart,
John Does 1-3 and
Jane Does 1-3,

Defendants.

**DEFENDANTS' OPPOSITION TO PLAINTIFFS'
MOTION FOR AN EXTENSION OF TIME**

Defendants, City of Wauwatosa, Barry Weber, Patrick Kaine, Luke Vetter, Nicole Gabriel, and Derek Dienhart, by their attorneys, Gunta Law Offices, S.C., submit this Opposition to Plaintiffs' Motion for Extension of Time (Docket # 49) for the following reasons:

1. Prior to November 24, 2020, the parties entered into a joint stipulation (Docket #21) for an extension of the dispositive motion deadline and trial related dates included in the Court's September 24, 2020, Order. (Docket #20)
2. On November 24, 2020, the Court accepted the parties joint stipulation and extended the dispositive motion deadline to March 31, 2021. (Docket #22)
3. On March 31, 2021, Defendants filed their Summary Judgment pleadings. *See* (Docket # 28-36) On that same date, Plaintiffs also filed their Motion for Partial Summary

Judgement. (Docket # 37-38) At that time, Plaintiffs' Response to Defendants' Summary Judgement pleadings was due on or before April 30, 2021.

4. On April 14, 2020, Plaintiffs filed a Motion for an Extension of time to May 31, 2021, to file a response to Defendants' summary judgment, along with a declaration of Plaintiffs' attorney indicating the basis for the request. (Docket # 40)

5. On April 15, 2021, the Court granted Plaintiffs' request (Docket # 40), extending Plaintiffs' deadline to respond to Defendants' summary judgment to May 31, 2021.

6. On May 7, 2021, Defendants filed a timely response to Plaintiffs' Partial Summary Judgment. (Docket # 44-46)

7. On May 19, 2021, Plaintiffs filed a Second Motion for Extension of time to June 30, 2021. (Docket # 47) Defendants did not oppose this extension, and on May 24, 2021 the Court granted Plaintiffs' request and extended Plaintiffs' deadline to respond to Defendants' summary judgment to June 30, 2021.

8. On June 18, 2021, Plaintiffs filed a Third Motion for Extension of time to June 30, 2021. (Docket # 48) Defendants did not oppose this extension, and on June 22, 2021 the Court entered a text Order granting the extension and stating that "Plaintiff shall receive a forty-five (45) day extension in which to file the opposition, **which must be filed no later than August 16, 2021.**" (emphasis added).

9. On August 10, 2021, Plaintiff filed a Fourth Motion for an Extension of Time to respond to Defendants' summary judgment. (Docket # 49) Defendants oppose the extension.

10. Defendants' Summary Judgment has been fully briefed and pending since March 31, 2021. (Docket # 44-46) Defendants have worked in good faith to accommodate Plaintiffs' numerous requests for extensions; however, notified Plaintiffs' counsel that they would not agree

to any additional extensions as this matter should move forward. Specifically, due to the fact that Defense Counsel will be on maternity leave starting in early September and thus, would like to have Defendants' Reply Brief timely filed so that the case may proceed.

11. Therefore, Defendants request that this Court deny Plaintiffs' Motion for Extension of Time (Docket # 49) and require Plaintiffs to respond to Defendants' Summary Judgment by August 16, 2021, as required by the Court's June 22, 2021 text Order.

Dated at Wauwatosa, Wisconsin, this 12th day of August, 2021.

GUNTA LAW OFFICES, S.C.

Attorneys for Defendants

By: /s/ Jasmyne M. Baynard

Gregg J. Gunta, WI Bar No. 1004322

Ann C. Wirth, WI Bar No. 1002469

Jasmyne M. Baynard, WI Bar No. 1099898

Kyle R. Moore, WI Bar No. 1101745

9898 W. Bluemound Road, Suite 2

Wauwatosa, Wisconsin 53226

T: (414) 291-7979 / F: (414) 291-7960

Emails: gjg@guntalaw.com
acw@guntalaw.com
jmb@guntalaw.com
krm@guntalaw.com